

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SPARTECH CMD, LLC d/b/a SPARTECH  
COLOR AND SPECIALTY COMPOUNDS

Plaintiff,

CASE NUMBER: 08-13234  
HONORABLE VICTORIA A. ROBERTS

v.

INTERNATIONAL AUTOMOTIVE  
COMPONENTS GROUP NORTH AMERICA, INC.,

Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION FOR RECONSIDERATION**

On February 23, 2009, the Court entered its Order Denying in Part and Granting in Part Plaintiff's Motion to Enjoin Arbitration, and Denying Defendant's Motion to Dismiss (Doc. #25). The Court held that disputes concerning Purchase Orders ("PO #s") 251050, 193836, 216910 and 243934 were to be resolved by arbitration, and stayed all litigation concerning these contracts. At the same time, the Court held that Defendant did not provide Plaintiff with a copy of its Terms and Conditions for PO #133452. Since the duty to arbitrate arose from a clause contained in Defendant's Terms, the Court held that PO #133452 was not subject to arbitration.

On March 9, Defendant filed a Motion for Reconsideration and Rehearing (Doc. #26), arguing that PO #133452 should not be treated differently. Defendant claims the Court erred in finding that Plaintiff did not receive a copy of Defendant's Terms with PO #133452. In fact, Defendant asserts, it provided its Terms to Plaintiff for every order.

Plaintiff responded to Defendant's motion and confirmed it received the terms and conditions for PO #133452.

Accordingly, the Court **GRANTS** Defendant's Motion for Reconsideration; Plaintiff's Motion to Enjoin Arbitration is **DENIED** in its entirety. Since the only reason the Court denied Defendant's Motion to Dismiss was because it erroneously believed that PO #133452 could not be referred to arbitration, the Motion to Dismiss is now **GRANTED** as well.

**IT IS ORDERED.**

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: July 15, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 15, 2009.

s/Carol A. Pinegar

Deputy Clerk